

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----- X
RICHARD ABONDOLO, as Chairman of the :
Board of Trustees of UFCW LOCAL 50 :
WELFARE TRUST FUND, et al., :
:

SUMMARY ORDER

: 07 Civ. 4850 (AKH)
:

Plaintiffs, :

-against- :

SIEGMUND STRAUSS, INC., :

Defendant. :
----- X

ALVIN K. HELLERSTEIN, U.S.D.J.:

Plaintiffs' complaint in this matter seeks an order directing Defendant to allow an audit of certain records, see Am. Compl. ¶ 27, and compelling the parties to proceed to arbitration of their disputes, see id. ¶ 33. Plaintiffs applied for an order to show cause why an order should not issue directing Defendant to allow the audit, and Judge Patterson, acting as the "Part I" Judge, issued the order on June 7, 2007. Defendant moved, by letter application, for a stay of arbitration. On July 3, 2007, the parties appeared before me for oral argument on the issue of audits, and of arbitration.

For the reasons stated on the record, the parties are ordered to proceed to arbitration. Plaintiffs' motion for an order directing Defendant to allow specified audits is denied without prejudice, with leave to renew the application in the arbitration proceedings. Defendant shall preserve the records sought for auditing by Plaintiffs and any other records relevant to the dispute to be arbitrated.

This action is stayed pending the outcome of arbitration proceedings. The parties shall submit a report by January 31, 2008, and every six months thereafter,

reporting on the status of the arbitration. Failure to submit such reports shall constitute cause to dismiss the complaint.

SO ORDERED.

Dated: July 3, 2007
New York, New York


ALVIN K. HELLERSTEIN
United States District Judge